

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States)	
Department of Housing and Urban)	
Development, on behalf of)	
Tami Doss and Margaret Silkey,)	
)	HUD ALJ No.
Charging Party,)	FHEO Nos. 05-06-0642-8, 05-06-1334-8
)	
v.)	
)	
Phyllis Hasenstab, Realty 100, Inc.)	
d/b/a/ RE/MAX Realty 100, and)	
Edith Halvorsen,)	
)	
Respondents.)	
)	
)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about December 5, 2005, Margaret Silkey (“Complainant Silkey”) filed a verified complaint with the United States Department of Housing and Urban Development (“HUD”), alleging that Respondents Phyllis Hasenstab, Realty 100, Inc. d/b/a/ RE/MAX Realty 100, and Edith Halvorsen violated the Fair Housing Act as amended in 1988, 42 U.S.C. Section 3601, *et seq.* (the “Act”), by refusing to negotiate for the sale of a dwelling and by making discriminatory statements because of the race of her client, Tami Doss, in violation of 42 U.S.C. §3604(a) and (c) of the Act.¹

On or about June 13, 2006, Tami Doss (“Complainant Doss”) also filed a verified complaint with HUD, alleging that Respondents Phyllis Hasenstab, Realty 100, Inc. d/b/a RE/MAX Realty 100, and Edith Halvorsen violated the Act by refusing to negotiate for the sale of a dwelling and discriminating in broker’s services because of her race in violation of 42 U.S.C. §§3604(a) and 3606 of the Act.

The Act authorizes the issuance of a Charge of Discrimination on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. §3610(g)(1) and (2). The Secretary

¹ Complainant Silkey’s earlier HUD complaint, FHEO No.: 05-06-0304-8, against Edith Halvorsen settled on March 3, 2006. Accordingly, Complainant Silkey’s remaining HUD complaint, FHEO No.: 05-06-0642-8, which is the subject of this Charge of Discrimination, is solely against Phyllis Hasenstab and RE/Max Realty 100.

has delegated to the General Counsel (54 Fed.Reg.13121), who has redelegated to the Regional Counsel (67 Fed.Reg. 44234), the authority to issue such a charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity or her designee.

The Office of Fair Housing and Equal Opportunity Region V Director, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that a discriminatory housing practice has occurred in this case based on race and retaliation and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned HUD Complaint and Determination of Reasonable Cause, Respondents Phyllis Hasenstab, Realty 100 Inc. d/b/a RE/MAX Realty 100 and Edith Halvorsen (collectively referred to as "Respondents") are charged with discriminating against Complainant Doss, an aggrieved person as defined by 42 U.S.C. §3602(i); additionally, Respondents Phyllis Hasenstab and Realty 100, Inc. d/b/a RE/MAX Realty 100 are charged with discriminating against Complainant Silkey, an aggrieved person as defined by 42 U.S.C. §3602(i), based on race and retaliation in violation of 42 U.S.C. §3604(a), (c), (d), §3605 and §3617 of the Act as follows:

1. It is unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin. 42 U.S.C. 3604(a); see also, 24 C.F.R. §100.60, §100.70.
2. It is unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. 3604(c); see also, 24 C.F.R. §100.75.
3. It is unlawful to represent to any person because of race, color, religion, sex, disability, familial status, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available. 42 U.S.C. 3604(d); see also, 24 C.F.R. §100.80.
4. It is unlawful for any person or other entity whose business includes engaging in residential real-estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, disability, familial status, or national origin. Residential real-estate-related transaction means the selling, brokering, or appraising

of residential real property. 42 U.S.C. 3605(a),(b); see also, 24 C.F.R. §100.110, §100.115, §100.135.

5. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of her having exercised or enjoyed, or on account of her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 803, 804, 805, or 806, of the Act. 42 U.S.C. 3617; see also, 24 C.F.R. §100.400.
6. At all times relevant to this Charge, Respondent Edith Halvorsen (“Respondent Halvorsen”) owned the property located at 9042 West Mount Vernon Avenue, Milwaukee, Wisconsin 53226 (“subject property”), a four bedroom single family home.
7. At all times relevant to this Charge, Respondent Phyllis Hasenstab (“Respondent Hasenstab”) was the listing agent for the subject property and worked as a real estate broker at Realty 100, Inc. d/b/a RE/MAX Realty 100 (“Respondent RE/MAX”). Respondent RE/MAX was the listing office for the subject property.
8. At all times relevant to this Charge, Complainant Doss was an African-American woman with two sons of college age that were residing with her. At all times relevant to this Charge, Complainant Doss was a principal in the Milwaukee Public Schools and as such was required to reside within the city limits of Milwaukee in order to maintain her position. Complainant sought the subject property because it is within city limits, but borders on desirable suburbs of Milwaukee.
9. At all times relevant to this Charge, Complainant Silkey was a real estate broker with First Weber Group Realtors. In or around July 2005, Complainant Silkey was working with Complainant Doss to help her locate a four-bedroom single-family home in the City of Milwaukee. Complainant Silkey has been in the real estate business for approximately 24 years.
10. On or about July 11, 2005, Complainant Silkey, while on “floor duty” at First Weber Group Realtors, located in the Elmbrook/Wauwatosa area, received a call from Laurie Halvorsen, Respondent Halvorsen’s daughter, requesting that a realtor come out to the subject property in order to provide them with a comparative market analysis of her mother’s home and to discuss the sales process. They agreed that Complainant Silkey would come out to the subject property on or about July 15, 2005 at 1:30 p.m.
11. On or about July 15, 2005, Complainant Silkey met with Respondent Halvorsen and her daughter, Laurie Halvorsen, in order to view the subject property and provide a comparative market analysis of the home. She viewed the home and made some recommendations of changes she thought would speed the sale of the home and provided an estimated sales price for the home.

12. During that meeting, Complainant Silkey was informed that Respondent Halvorsen intended to meet with other realtors prior to deciding with whom to list her home.
13. On or about July 16, 2005, Complainant Silkey called Complainant Doss to tell her about Respondent Halvorsen's home, as it satisfied all the requirements that Complainant Doss had sought in a home and was in her price range. At that time, Complainant Silkey did not reveal the exact address of the subject property to Complainant Doss, as it was not yet listed, but she did disclose that it was in the "Bluemound area."
14. At Complainant Silkey's suggestion, Complainant Doss drove through the area near Bluemound Road. She subsequently requested to view the home when it went on the market.
15. Complainant made two follow-up calls to Respondent Halvorsen. One of the follow-up calls was placed on or about July 22, 2005, when Complainant Silkey called Respondent Halvorsen to notify her that she had a potential buyer for the home. Complainant Silkey requested that Respondent Halvorsen notify her when the home went on the market. During the call, Respondent Halvorsen asked for more information about Complainant Silkey's potential buyer. Complainant Silkey informed Respondent Halvorsen that the house first needed to be listed before she could disclose more information about the potential buyer.
16. Still, Respondent Halvorsen persisted to ask more questions about the potential buyer. Complainant Silkey responded that the potential buyer was a single female with two adult sons in college and that she was a principal for the Milwaukee Public Schools.
17. Respondent Halvorsen then asked if the potential buyer was "black." Complainant Silkey paused out of surprise and then informed Respondent Halvorsen that it was against the "discrimination laws" for Complainant Silkey to provide that type of information to her. Respondent Halvorsen explained to Complainant Silkey that her sister had a house and that when "blacks" moved into the neighborhood, property values fell. Complainant Silkey advised Respondent Halvorsen that African-Americans moving into the neighborhood did not cause housing prices to go down, but that not maintaining properties could cause housing values to go down. Respondent Halvorsen replied that she "could not do that" to her neighbors; she and her husband had built the home 50 years ago and she "just could not do that" to them. Complainant Silkey informed Respondent Halvorsen that she would sell her home to whomever had the money to buy the house, and then the call ended.
18. Respondent Halvorsen subsequently met with two other realtors, ultimately choosing to list her home with Respondent Phyllis Hasenstab ("Respondent Hasenstab") of RE/MAX Realty 100. The listing agreement, dated July 28, 2005, lists the subject property for \$189,900 and specifies that showings were to begin on August 5, 2005, with offers to be presented on August 11, 2005. The original listing agreement contains no exclusion.

19. Complainant Silkey did not become aware that Respondent Halvorsen listed her home with another realtor until on or about July 29, 2005, when driving past the subject property on the way home from taking her grandchildren to the zoo, Complainant Silkey saw a RE/MAX Realty 100 sign on the lawn of the subject property. The realtor listed on the sign was Respondent Phyllis Hasenstab. Despite not being awarded the listing, Complainant Silkey still wished to show Respondent Halvorsen's home to Complainant Doss. Accordingly, Complainant Silkey called Respondent Hasenstab at the number listed on the RE/MAX Realty 100 sign and left a voice message for Respondent Hasenstab, requesting a return phone call.
20. Next, Complainant Silkey called her office, First Weber Group Realtors, to ask that a staff member check to see if the subject property was listed on the Multiple Listing Service (the "MLS"). Because the person she spoke to at First Weber Group Realtors could not find the listing on the MLS, Complainant Silkey called the MLS directly.
21. That same day, Complainant Silkey called the MLS and spoke to Kathryn Bieszk, who performs data entry, inputs photos and corrects listings for the MLS. Ms. Bieszk informed Complainant Silkey that she did not have the listing for the subject property, but that she would contact Respondent RE/MAX and ask whether it would be listed on the MLS. During this call, Complainant Silkey informed Ms. Bieszk of the discriminatory statements made to her by Respondent Halvorsen and conveyed that she wanted the listing agent, Respondent Hasenstab at RE/MAX advised of the discriminatory statements that Respondent Halvorsen made to Complainant Silkey. Subsequently, Ms. Bieszk called Respondents Hasenstab and RE/MAX about the listing and the discrimination complaint. Later in the day, on July 29, 2005, Ms. Bieszk called Complainant Silkey back and informed her that the listing was not yet ready for the MLS, but that it would be posted and that showings of the home would begin August 5, 2005, with offers to be presented on August 11, 2005 for consideration. Ms. Bieszk advised Complainant Silkey to contact the Metropolitan Milwaukee Fair Housing Council regarding the statements the seller made.
22. Having received no response to her earlier call and learning of the set dates for showings of the subject property, Complainant Silkey again contacted Respondent RE/MAX to request a showing of the subject property on August 5, 2005. She explained to the receptionist that she had left a message for Respondent Phyllis Hasenstab, but had not received a return call. The receptionist told her that someone from RE/MAX would call Complainant Silkey with a confirmation of the appointment and a lockbox number.
23. On or about July 31, 2005, Complainant Silkey spoke to Complainant Doss and informed her that, while she did not get the listing for the subject property, she could still arrange to show Complainant Doss the subject property. Complainant Silkey gave Complainant Doss the exact address of the home during this conversation.
24. After Respondent Hasenstab spoke to Ms. Bieszk at the MLS, she prepared the amendment to the listing agreement excluding Complainant Silkey from showing the

subject property to any potential buyers. On or about August 1, 2005, two days after Complainant Silkey's call to the MLS, Respondent Halvorsen signed the amendment to the listing agreement prepared by Respondent Hasenstab.

25. At some point in late July 2005 or early August 2005, Complainant Silkey disclosed to Complainant Doss the comments that Respondent Halvorsen had previously made to her about selling her home to a black person.
26. As of August 4, 2005, Complainant Silkey still had not received a return phone call regarding her request to show the subject property to Complainant Doss. Consequently, on that day, Complainant Silkey called Respondent RE/MAX again and reiterated her desire to show the subject property on August 5, 2005 and asked whether the appointment was scheduled, as no one had called to confirm or give her the lockbox number. The receptionist at Respondent RE/MAX put Complainant Silkey on hold. When she returned to the phone, she notified Complainant Silkey that she was not allowed to show the property. Complainant Silkey inquired as to whether she was excluded in the listing agreement and the receptionist responded affirmatively.
27. Shortly thereafter, Complainant Silkey called Respondent Phyllis Hasenstab of RE/MAX. When she answered, Complainant stated that she had called the previous week in order to schedule an appointment to show the subject property. Respondent Hasenstab then told Complainant Silkey that she was not permitted to go into the house or onto the property. Complainant Silkey asked why and Respondent Hasenstab responded, "you know what you did with MLS." Complainant Silkey replied that she did not know what she did. Respondent Hasenstab countered that Complainant Silkey had called the MLS and talked to them about discrimination.
28. Soon after, Complainant Silkey informed Complainant Doss that she would be unable to show her the subject property because she had been excluded.
29. Complainant Doss informed Complainant Silkey that if they did not want her to see the house, then she did not want to live in that part of Milwaukee, as this incident made her concerned for her safety.
30. While there was an "open house" and other showings, Respondent Hasenstab of RE/MAX only showed the subject property to one potential buyer herself, a neighbor of Respondent Halvorsen's, who is a white male.
31. On August 5, 2005, Respondent Halvorsen received an offer, which she accepted on or about August 11, 2005. The successful buyer was a white male.
32. In Respondent Halvorsen's Answer to Complainant Doss' HUD complaint, she admits that Complainant Silkey called her and advised her that she had a potential buyer for the subject property. In Respondent Halvorsen's Answer, she further admits that "[u]naware of federal and state laws regarding discrimination, and based

upon a serious neighborhood problem that Mrs. Halvorsen's sister had experienced a number of years ago, [she] did in fact ask about the race of the potential buyer."

33. During an interview with HUD, Respondent Halvorsen elaborated on her Answer, explaining that she has very good neighbors and she wanted to "pick" someone that was a nice person for her neighbors. She continued to reveal that there are no "blacks" in her neighborhood and that part of the reason she asked about race was because of an incident that occurred years ago when her sister sold her home to a black person and her sister's neighbors were very upset with her.
34. In the same interview, Respondent Halvorsen admitted asking Complainant Silkey to identify the race of the potential buyer to whom Complainant Silkey wanted to show the subject property. She recalled that Complainant Silkey informed her that her question was illegal and it would be illegal for Complainant Silkey to answer it.
35. In her Answer to Complainant Doss' HUD Complaint, Respondent Halvorsen "adamantly denies" that she ever told any other realtor that she would not sell to African-Americans. Yet, during her interview with HUD, Respondent Halvorsen admitted that she told Respondent Hasenstab of RE/MAX of her conversation with Complainant Silkey about her desire to not show her home to African-Americans.
36. During an August 4, 2006 interview with Respondent Hasenstab of RE/MAX, she too recalled Respondent Halvorsen advising her, during their first meeting on or about July 16, 2005, that she did not want to sell her home to "blacks" because she did not want to "do that" to her neighbors. Additionally, Respondent Hasenstab said she apprised Respondent Halvorsen of the fair housing laws during that initial meeting.²
37. Respondent Halvorsen's Answer goes on to state that her decision to exclude Complainant Silkey "was not, and could not have been racial," as Respondent Halvorsen "had no knowledge of the race of Ms. Silkey's client." However, when asked during her interview with HUD how she was aware that Complainant Silkey's potential buyer was black, she replied that she inferred it from Complainant Silkey's response to her question about the potential buyer's race.
38. In her interview with HUD, Respondent Halvorsen claimed that she excluded Complainant Silkey from showing the property at the recommendation of Respondent Hasenstab of RE/MAX who informed her that Complainant Silkey was "pestering" her to show the home prior to the dates set in the listing agreement. Respondent Halvorsen contends that Respondent Hasenstab told her that there was a form that could be used to exclude Complainant Silkey and then they would not have to "deal" with her anymore.

² Respondent Hasenstab, in her August 4, 2006 interview, clearly recalls Respondent Halvorsen making a discriminatory statement to her during their initial meeting. However, when the MLS apprised her of the discrimination complaint made by Complainant Silkey, Respondent Hasenstab claims that she did not know the nature of the discrimination complaint.

39. During an August 4, 2006 interview with HUD, Respondent Hasenstab of RE/MAX acknowledged that she told Respondent Halvorsen that Complainant Silkey called the MLS and made a complaint.³ In response to this information, Respondent Hasenstab disclosed that Respondent Halvorsen stated that she did not want that “woman in my house.” Respondent Hasenstab admits that she then explained to Respondent Halvorsen that she could exclude Complainant Silkey from showing the home, and she prepared an exclusion.
40. During an interview with HUD, Respondent Hasenstab of RE/MAX claimed that she was unaware of Complainant Silkey’s buyer until after the exclusion had been executed. She further claimed that she learned of the buyer from Complainant Silkey. However, Respondent Halvorsen specifically recalls telling Respondent Hasenstab about her conversation with Complainant Silkey wherein Complainant Silkey refused to disclose the race of her potential buyer because it was against the “discrimination laws.” Respondent Halvorsen remembered bringing up the subject with Respondent Hasenstab, because she wanted to ask Respondent Hasenstab if what Complainant Silkey had told her about the “discrimination laws” was true.
41. During an interview with Katie Bieszk, an employee of the MLS, she confirmed that Complainant Silkey called to find out whether the listing for the subject property was to be excluded from the MLS. During this conversation, she remembered Complainant Silkey advising her that the seller made a discriminatory statement to her that she would not sell to “blacks.” She recalled Complainant Silkey telling her that she did not want to deal with this seller, she wanted the other realtor to be apprised of the situation, and she asked “where to take the matter so it could be handled.” Ms. Bieszk did not specifically recall talking to Respondent Hasenstab regarding this incident but does remember notifying Respondent RE/MAX.
42. Regardless of whether Respondent Hasenstab of RE/MAX learned of Complainant Silkey’s potential buyer before or after the exclusion was executed or before or after the MLS notified her of the discrimination complaint against Respondent Halvorsen, at no time did Respondents Hasenstab or RE/MAX offer an alternative for Complainant Silkey’s potential buyer to view the property.
43. By excluding Complainant Silkey from showing Complainant Doss the subject property, Respondents Hasenstab and RE/MAX committed unlawful discrimination by refusing to negotiate for the sale or rental of a dwelling because of Complainant Silkey’s association with her African-American client, Complainant Doss, in violation of 42 U.S.C. §3604(a).
44. By excluding Complainant Silkey from showing Complainant Doss the subject property, and offering no alternative for Complainant Doss to view the property, Respondents Halvorsen, Hasenstab and RE/MAX committed unlawful discrimination

³ While Complainant Silkey actually complained to the MLS about Respondent Halvorsen, Respondent Hasenstab told Respondent Halvorsen that Complainant Silkey had made a complaint against Respondent Hasenstab.

- by refusing to negotiate for the sale or rental of a dwelling because of Complainant Doss' race, African-American, in violation of 42 U.S.C. §3604(a).
45. By excluding Complainant Silkey from showing the subject property to Complainant Doss, and offering no alternative for Complainant Doss to view the property, Respondents Halvorsen, Hasenstab and RE/MAX committed unlawful discrimination by otherwise making unavailable a dwelling to Complainant Doss because of her race, African-American, in violation of 42 U.S.C. §3604(a).
 46. By making a statement with respect to the sale or rental of a dwelling that indicates a preference, limitation, or discrimination based on the race of Complainant Doss, African-American, Respondent Halvorsen violated 42 U.S.C. §3604(c).
 47. By excluding Complainant Silkey from showing Complainant Doss the subject property, and offering no alternative for Complainant Doss to view the property, Respondents Halvorsen, Hasenstab and RE/MAX refused inspection of the subject property to Complainant Doss because of Complainant Doss' race, African-American, when the property was in fact available, in violation of 42 U.S.C. §3604(d).
 48. By excluding Complainant Silkey from showing Complainant Doss the subject property, Respondents Hasenstab and RE/MAX refused inspection of the subject property to Complainant Silkey because of her association with her African-American client, Complainant Doss, when the property was in fact available, in violation of 42 U.S.C. §3604(d).
 49. By excluding Complainant Silkey from showing the subject property to Complainant Doss, and offering no alternative for Complainant Doss to view the property, Respondents Hasenstab and RE/MAX discriminated against Complainants Silkey and Doss by making unavailable a residential real-estate-related transaction because of Complainant Doss' race, African-American, in violation of 42 U.S.C. §3605.
 50. By excluding Complainant Silkey from showing the subject property to Complainant Doss, and offering no alternative for Complainant Doss to view the property, and making discriminatory statements because of Complainant Doss' race, Respondents Halvorsen, Hasenstab and RE/MAX interfered with Complainant Doss in the exercise or enjoyment of a right granted or protected by the Act in violation of 42 U.S.C. §3617.
 51. By excluding Complainant Silkey from showing the subject property to Complainant Doss, Respondents Hasenstab and RE/MAX interfered with Complainant Silkey on account of her having aided or encouraged Complainant Doss in the exercise or enjoyment of a right granted or protected by the Act in violation of 42 U.S.C. §3617.
 52. In retaliation for reporting discriminatory statements made by Respondent Halvorsen to Complainant Silkey to the MLS, Respondents Hasenstab and RE/MAX excluded

Complainant Silkey from showing the subject property to Complainant Doss or any prospective buyer in violation of 42 U.S.C. §3617.

53. As a result of Respondents' discriminatory conduct, Complainant Doss has suffered damages, including economic loss, emotional distress, inconvenience, and a lost housing opportunity.
54. Complainant Doss has suffered emotional distress due to Respondents' discriminatory acts. Complainant was "offended, hurt and shocked" when she heard the statements that Complainant Halvorsen had made and was told that Complainant Silkey would be unable to show the subject property to her. The discriminatory conduct made her angry, as she felt like she could not live where she wanted because of her race. She "felt a sadness that people still feel this way."
55. The discriminatory acts discouraged Complainant Doss from wanting to continue her home search and for a period of time she stopped looking for a home. To this date, she still rents an apartment. Now, when she searches for a home she is more self-conscious, guarded, and less trusting.
56. The discriminatory acts increased Complainant Doss' stress with regard to a home purchase, as this was her first experience looking for a home to buy. She felt a lowered self-esteem, and anxiety after learning of the discriminatory acts.
57. Also, as she is single, this experience made Complainant fear for her safety and the safety of her sons if she were to buy a home in the near Bluemound Road, where the subject property is located. She did not want to put her family in a precarious position living in an area in which she felt she was unwanted.
58. Due to this incident, Complainant Doss lost a housing opportunity. Because Complainant works for the Milwaukee Public Schools, she is required to live in the City of Milwaukee. The subject property was in a very desirable neighborhood in Milwaukee that was bordered by suburbs. The subject property was convenient for Complainant to get to work and located near stores. After this incident, Complainant Doss stopped looking for a home in the area around Bluemound Road in Milwaukee.
59. The discriminatory acts also inconvenienced Complainant Doss as Complainant Silkey, her real estate agent, left the real estate business as a result. Complainant Doss, who had come to trust and value Complainant Silkey's opinion, had to find a new agent to help her with her home search.
60. As a result of Respondents' discriminatory conduct, Complainant Silkey suffered damages, including economic loss, emotional distress, and inconvenience.
61. Complainant Silkey suffered economic loss due to Respondents' discriminatory acts by losing the opportunity to show Complainant Doss or any other potential buyer the subject property and, as such, the possibility of a commission from the sale of the

subject property. She also wasted valuable business and personal time trying to schedule Complainant Doss for a showing of the home and trying to get the listing of the subject property. Complainant Silkey also decided to leave the real estate business after this incident as she was disillusioned by the lack of ethics exhibited by Respondents Hasenstab and RE/MAX.

62. Complainant Silkey suffered emotional distress because of the discriminatory acts. Complainant Silkey was “hurt” and “furious” about being excluded from showing the home to Complainant Doss. Because Complainant Silkey left her job in the real estate business before she was ready to retire she is now seeking employment, which has caused her much stress.
63. Complainant Silkey’s reputation in the real estate business was damaged due to this incident. She felt that she was well respected and had many accomplishments while in the real estate business for over 20 years, but because “agents talk,” her reputation has been damaged.

III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to Section 42 U.S.C. §3610(g)(2)(A) of the Act, hereby charges Respondent Hasenstab and Respondent RE/MAX with engaging in discriminatory housing practices in violation of 42 U.S.C. §3604(a) and (d), §3605, and §3617 of the Act, and hereby charges Respondent Halvorsen with engaging in discriminatory housing practices in violation of 42 U.S.C. §3604(a), (c), (d), and §3617 of the Act, and prays that an order be issued that:

1. Declares that the discriminatory housing practices of Respondents, as set forth above, violate the Fair Housing Act, as amended, 42 U.S.C. §3601, *et seq.*;
2. Enjoins Respondents, their agents, employees, successors, and all other persons in active concert or participation with them from discriminating on the basis of race and retaliation against any person in any aspect of the purchase or rental of a dwelling;
3. Awards such damages as will fully compensate Complainants, aggrieved persons, for their actual damages caused by Respondent Hasenstab and Respondent RE/MAX’s discriminatory conduct pursuant to 42 U.S.C. §§3604(a), (d), §3605, and §3617 and caused by Respondent Halvorsen’s discriminatory conduct pursuant to 42 U.S.C. §3604(a), (c), (d), and §3617; and
4. Awards a civil penalty against each Respondent for each violation of the Act committed pursuant to 42 U.S.C. §3612(g)(3).

The Secretary of HUD further prays for additional relief as may be appropriate under 42 U.S.C. §3612(g)(3).

Respectfully submitted,

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Date: September 26, 2006

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